

REMARKS

Claims 1, 2, 5, 6, and 9-30 were pending at the time of the last Office Action. Applicant has not amended or canceled any claims in this paper. Thus, claims 1, 2, 5, 6, and 9-30 are still pending.

The Examiner has rejected the claims as outlined in the following table:

Claims	Statute	References
1, 5, 6, 10, 11, 13-15, 17-24, and 26-29	102(b) or 103(a)	Liang
2, 12, and 25	103(a)	Liang and Davis
9, 16, and 30	103(a)	Liang and Chote

Applicant respectfully traverses this rejection.

The Examiner appears to be taking the position that many of the claimed elements are inherent in Liang. For example, the Examiner states that "paragraph 28-30; where it is implied that the anti-virus system will prevent the installation of applications...", "paragraphs 28-30; where it is implied that when the anti-virus system does not detect a virus, the application will be installed," "paragraphs 28-30; where it is implied that when the anti-virus system does detect a virus, the application will not be installed," "paragraphs 28-30; where it is implied that the applications can run up to the limit established by the 'rules for determining abnormality,'" and "paragraph 30; where it is implied that as long as the threshold is not reached, the application will be allowed to run." (Office Action, April 3, 2009, pp. 4-5.)

In order to establish inherency, "the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).) The

Examiner has provided no basis for his belief of what is implied by Liang. As such, the Examiner has not even established a prima facie case of anticipation or even obviousness.

Paragraphs 28-30 of Liang do not mention an "application," do not mention "installing" or "not installing" an application, and do not mention "allowing" or "not allowing" "application to run." These paragraphs describe sensors that intercept system activity and use rules to determine whether the activity is abnormal. If so, the sensors pass the information to a higher layer, which may issue "high-risk alerts," which are sent to a server. Nothing in these paragraphs, or any other portion of Liang, describes any conditions upon which an application might not be installed or might not be allowed to run.

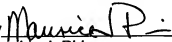
The Examiner specifically relies on Liang's description in paragraph 0030 that the "data processor 304 will process the raw data from different sensors, issue high-risk alerts if the data reach or exceed certain threshold. ...Upon detection of high-risk alerts, client device components of the collaborative antivirus system according to the invention will send alerts to the server 108." These high-risk alerts simply signify that a virus may have infected a client resulting in a notification being sent to a server for correlation across multiple clients. Liang does not suggest allow or not allowing applications to be installed or run based on such alerts.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268001US from which the undersigned is authorized to draw.

Dated: July 6, 2009

Respectfully submitted,

By 
Maurice J. Pirio

Registration No.: 33,273
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8548
(206) 359-9000 (Fax)
Attorney for Applicant